



Appeal Decision

Site visit made on 18 October 2023

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2023

Appeal Ref: APP/V2004/W/23/3318726

997 Anlaby Road, Kingston Upon Hull HU4 7PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Westfield Homebuyers Limited against the decision of Kingston Upon Hull City Council.
 - The application Ref 21/01662/FULL, dated 11 November 2021, was refused by notice dated 27 January 2023.
 - The development proposed is the demolition of detached bungalow and erection of two semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal evidence the appellant has submitted a Unilateral Undertaking, to provide a financial contribution towards open space and trees. The Council has subsequently withdrawn its fourth reason for refusal, and I find no reason to conclude differently in this regard.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the street scene, with particular regard to the setting of the adjacent listed building, and the preservation or enhancement of the Anlaby Park Conservation Area (CA);
 - the living conditions of the occupiers of neighbouring properties, with particular regard to privacy and outlook; and
 - the living conditions of its future occupiers, with particular regard to disturbance arising from vehicle movements.

Reasons

Character and Appearance

4. The site comprises a bungalow with attached garage, within front and rear gardens. The area is predominantly residential, plus a row of commercial units on Anlaby Road, which has a wide landscaped central reservation.
5. The site lies within the Anlaby Park CA, and so I have a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing its character or appearance. Section 16 of the Framework also requires that great

weight should be given to the conservation of designated heritage assets, and Policy 16 of the Hull Local Plan 2016 to 2032 (LP) (2017) aligns with this approach. I also have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the impact of the proposal on the special architectural and historic interest of listed buildings and their settings.

6. The significance of the CA is its planned and regular layout around an attractive central green, based on garden suburb principles. The estate was developed from the 1910s to the 1930s by local architects on the grounds of an earlier property, with houses predominantly being detached and semi-detached, in a mix of vernacular and Neo-Tudor styles. Its character remains verdant, and of cohesive and regularly spaced dwellings.
7. This character also incorporates the grade II listed building of Lee's Rest Houses (LRH) within the CA's eastern extent, directly adjacent to the appeal site. Its significance is as former almshouses dating from the mid-1910s, and its retained original layout and neo-Georgian style architecture. The predominantly 2 storey buildings provide sheltered elderly accommodation, and are formally arranged around a square garden, and behind road frontage landscaping. The front entrance block incorporates a double height archway, with multiple linked residence blocks to each side, and a library block and other buildings forming its southern extent. Further listed buildings lie within the site, but due to their separation distance I do not consider that their setting would be affected.
8. I agree with the main parties that the appeal site's existing bungalow is unsympathetic to the CA and the setting of the adjacent listed building, due to its design, materials, and general characteristics. It is also in a state of disrepair. Its demolition, in isolation, would therefore enhance the character and appearance of the CA.
9. Notwithstanding this, I also find the existing bungalow to be relatively unassuming in the streetscene. This is due to its low height allowing wide open views across, and some masking from frontage vegetation. It is also limited in scale compared to that of the LRH and the Plantation Drive East (PDE) 2 storey dwellings, which can both be viewed across the site. Along with No. 999 Anlaby Road, the immediate character of this short stretch is of greenery and openness due to the low rise development and numerous mature trees.
10. Many of the proposed dwellings' design elements and characteristics would be in keeping with those of surrounding properties. This includes the building line, the rhythm of the projecting double bays, recessed entrances, hipped roofs, and the centralised chimney stack. They would display high quality materials and detailing, and a similar footprint to that existing.
11. However, their combined increased height and width would introduce significant additional massing into the streetscene and its wider setting, and thus change its character. Despite their lower ridge height than No. 1 PDE and LRH, they would block several existing views, including important views eastwards of the LRH roofscape from both sides of Anlaby Road. Similarly, westwards they would present significant massing forwards of the LRH blocks, competing with their prominence and spacious setting, and reducing the ability to appreciate it within its original situation. Although many LRH viewpoints

would be unaffected due to its large plot size, this does not mitigate the localised harm to its setting, or to the CA.

12. Although the Council's Conservation Officer does not raise an objection, I take a different view. Overall therefore, the proposed dwellings would lead to less than substantial harm to the significance of designated heritage assets. I give great weight to this harm, as advised by the Framework paragraph 199. Paragraph 202 advises that less than substantial harm should be weighed against the public benefits of the proposal.
13. The public benefits arising from 1 additional dwelling would be a small-scale contribution to the housing land supply, and social and economic benefits from local construction and the new occupiers increasing local expenditure. There may also be environmental benefits of increased biodiversity, better energy efficiency of the new dwellings, and electric vehicle charging points. I give minor weight cumulatively to these benefits, including because I have not been presented with any evidence that there is a current local under delivery of housing. Compared to the great weight I give to the less than substantial harm to the CA and the listed buildings, I find that the demonstrated public benefits would not outweigh the harm.
14. The development would therefore cause harm to the character and appearance of the street scene, and less than substantial harm to the setting of the adjacent listed building and the preservation of the Anlaby Park CA. It would therefore conflict with the LP Policies 14, 15, and 16, the Supplementary Planning Document (SPD) 2: Heritage and Archaeology, and the Hull Residential Design Guide SPD. Together, and amongst other matters, these aim for development to deliver a high quality environment which promotes local distinctiveness, to avoid harm to designated heritage assets, and to integrate with the surrounding urban form and respect hierarchies in scale. It would also conflict with the need to achieve well-designed places as set by the Framework paragraph 130, and its section 16 on conserving and enhancing the historic environment.

Living Conditions – Neighbouring Properties

15. Each proposed dwelling would introduce 2 new rear bedroom windows at first floor. An extent of mutual overlooking is generally accepted in such residential environments, and the parties have not directed me to any detailed guidelines for acceptable overlooking distances. However, I find that the new windows would be overly close enough to the LRH windows so as to compromise privacy, despite the angled relationship. The rear patio areas being significantly higher than at present, would also create a harmful new relationship with the LRH first floor windows. Occupiers using the patios would generate an increased perception of overlooking due to being more obvious and remaining outside for longer periods than when seen internally. Despite the approved similar examples suggested by the appellant, each site has a different context and overlooking relationships such that they are not determinative.
16. The new first floor windows would not be sufficiently close to the windows of the other neighbouring properties so as to impact on their privacy. Views would also be angled only over the ends of the gardens of Nos. 1 and 3 PDE, and the whole gardens are already directly overlooked by their neighbours. I find this would therefore not cause undue harm.

17. The proposal's scale and bulk would be apparent from the closest LRH windows, where current open sky views would be blocked at relatively close range. This would be perceived as over-dominant, and would thus affect outlook. For No. 999 Anlaby Road, the additional substantial height at close range would outweigh that the rear elevation would protrude less than that of the bungalow. From the No. 999 side elevation windows, this would also cause harm to outlook from over-dominance. For No. 1 PDE, I do not find that there would be such dominance across enough proportion of the property as a whole, so as to cause undue harm.
18. The development would therefore cause harm to the living conditions of some of the occupiers of neighbouring properties, with particular regard to privacy and outlook. The proposal would conflict with the LP Policy 14, and the Hull Residential Design Guide SPD (2020). Together, and amongst other matters, these aim to mitigate against loss of privacy and overlooking, promote positive outlooks, and for scale and massing to be well related to the surrounding built form. It would also conflict with the Framework paragraph 130, which requires developments to have a high standard of amenity for existing and future users.

Living Conditions – Future Occupiers

19. Although the Highways Authority does not object in terms of highway safety, the required manoeuvring within the site in order to access the parking spaces and exit the site in a forward gear, would require the vehicles of one property having to reverse in front of the other. In itself this level of vehicular movements may not create excessive disturbance to internal living conditions.
20. However, potential conflict and disturbance is likely to arise from the need for both dwellings to have full access to the shared manoeuvring space, which could be easily impeded by inconsiderate parking including from visitors and deliveries. This would also be exacerbated due to the side tandem spacing, as on occasion, the occupants would need to reorder the position of those cars within the site. The approved parking examples provided are not so similar to that proposed that I find them determinative.
21. The development would therefore cause harm to the living conditions of its future occupiers, with particular regard to disturbance arising from vehicle movements. The proposal would again conflict with the LP Policy 14, the Hull Residential Design Guide SPD (2020), and the Framework paragraph 130.

Conclusion

22. The proposal would cause harm to the character and appearance of the street scene, the setting of the adjacent listed building, the CA, and living conditions. It would lead to less than substantial harm to the significance of designated heritage assets, and Paragraph 202 of the Framework identifies that this should be weighed against the public benefits of the proposal. The minor benefits identified above are not sufficient to outweigh this harm.
23. In conclusion therefore, the scheme conflicts with the development plan as a whole. With no other material considerations indicating otherwise, for the reasons given above I conclude that the appeal is dismissed.

L N Hughes

INSPECTOR